

Cote, D.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IROQUOIS MASTER FUND LIMITED, ROCKMORE :
INVESTMENT MASTER FUND LTD., CRANSHIRE :
CAPITAL, LP, SCOT COHEN, RICHARD ABBE, :
PHILIP MIRABELLI and JOSHUA SILVERMAN, :
 :
Plaintiffs, :
 :
- v - : Civil Action No. 14-cv00760
 : (DLC)(HBP)
 :
 :
CODA OCTOPUS GROUP, INC. and GEOFF TURNER, :
 :
Defendants. :
 :
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STIPULATION TO REMAND REMOVED ACTION

Plaintiffs and Defendants, through their undersigned counsel, stipulate as follows:

1. Plaintiffs filed this action in the Supreme Court of the State of New York, County of New York on January 6, 2014. The case was assigned Index Number 950036/2014.
2. Plaintiffs served Defendants with service of process on January 22, 2014.
3. On February 6, 2014, Defendants Coda Octopus Group, Inc. and Geoff Turner ("Defendants") filed a Notice of Removal to Federal Court. The Notice of Removal was timely.
4. Defendants asserted that removal was proper because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000. 28 U.S.C. §§ 1332, 1441(b).
5. Since that time, Plaintiffs have ascertained that two of the limited partners of Cranshire Capital, LP are residents of the State of Florida and were Florida residents at the time this case was filed. Defendant Coda Octopus, Inc. is also a resident of Florida. As such,

complete diversity of citizenship does not exist.

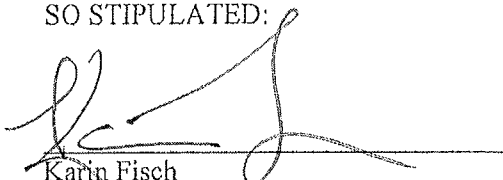
6. Plaintiffs have provided Defendants with documentary evidence of the names of the limited partners, proof of their status as limited partners and their primary residential addresses in Florida.

7. The parties therefore have stipulated that this case should be remanded to the Supreme Court of New York, New York County.

8. The parties further stipulate that the entire matter, including Defendants' pending motion to dismiss the complaint for lack of personal jurisdiction and failure to state a claim (ECF No. 5 & 6), is remanded to the Supreme Court of the State of New York, New York County. Defendants' pending motion to dismiss, brought under Federal Rules of Procedure 12(b)(2) and 12(b)(6), shall be construed as a motion to dismiss under N.Y. C.P.L.R. Sections 3211(7) and 3211(8).

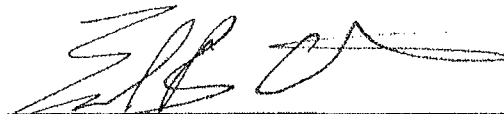
9. The parties further stipulate that each party shall bear its own attorneys' fees and costs with respect to the removal and subsequent remand of this action pursuant to this stipulation and order.

SO STIPULATED:



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Attorneys for Defendants

So ordered -

*James B. Ke
April 11, 2014*

SO ORDERED:

United States District Judge

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DATED: April ____, 2014